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Attorneys for Defendant  
DEL MONTE FOODS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANNETTE BRUCE, BRYAN AUSTIN,  
DEREK STEWART, FRANK GONZALES,  
MIGUEL HERRERA, AND RAYMOND  
RAYA, on behalf of themselves and others  
similarly situated as well as on behalf of the  
State of California and other aggrieved  
employees in a representative capacity,  
  
Plaintiffs,  
  
v.  
  
DEL MONTE FOODS, INC.  
  
Defendant.

Case No. 16-cv-5891-JD

**[PROPOSED] ORDER GRANTING  
DEFENDANT DEL MONTE FOODS,  
INC.'S MOTION TO DISMISS  
PURSUANT TO FEDERAL RULE OF  
CIVIL PROCEDURE 12(B)(6)**

Date: February 16, 2017  
Time: 10:00 a.m.  
Dept.: Courtroom 11, 19th Floor  
Judge: Hon. James Donato

Complaint Filed: October 12, 2016

Defendant Del Monte Foods, Inc.'s ("Defendant") Motion to Dismiss Plaintiffs' Complaint  
("Motion"), came on regularly for hearing before this Court on February 16, 2017 at 10:00 a.m.

1 Appearances were made as stated in the record. Having read and considered the motion, any papers  
2 in opposition, and the points and authorities and request for judicial notice filed by the parties, having  
3 heard argument of counsel, and for good cause appearing, Defendant's Motion is **GRANTED** as  
4 follows:

5 **IT IS ORDERED THAT:**

- 6 1. Defendants' Motion to Dismiss this case under Federal Rule of Civil Procedure, Rule  
7 12(b)(6), is GRANTED without leave to amend. This case is hereby dismissed.  
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10 **IT IS SO ORDERED.**  
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12 Dated: \_\_\_\_\_, 2017

\_\_\_\_\_  
United States District Court Judge

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